

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

ANNE SMITHERS, et al.,

v.

Civil Action No. 1:18cv676

FRONTIER AIR LINES, INC.

ORDER

A Fed. R. Civ. P. 16(b) **PRETRIAL CONFERENCE** will be held on **Wednesday, February 20, 2019 at 11:00 a.m.** before the assigned United States Magistrate Judge. The parties shall confer prior to the Rule 16(b) conference (i) to consider the claims, defenses, possibilities of a prompt settlement or resolution of the case, and trial before the magistrate judge, (ii) to arrange for the disclosures required by Rule 26(a)(1), and (iii) to develop a discovery plan which will **COMPLETE DISCOVERY** on or before **Friday, May 24, 2019.**¹ The parties must file their proposed discovery plan by the Wednesday preceding the Rule 16(b) conference.

Discovery may begin upon receipt of this order. A party may not exceed five (5) non-party, non-expert witness depositions nor serve on any other party more than thirty (30) interrogatories, including parts and subparts, without leave of court.

All **DISPOSITIVE MOTIONS** must be filed on or before **Tuesday, June 4, 2019.**² The deadlines for responses and replies are governed by local rule.

The parties must notice a hearing on any dispositive motions for **Friday, June 28, 2019 at 10:00 a.m.**

In the event the parties do not file dispositive motions, the **FINAL PRETRIAL CONFERENCE** will be held on **Thursday, June 27, 2019 at 4:00 p.m.**

¹ Both fact and expert discovery must be completed on or before this deadline; thus, the parties must disclose expert testimony and file the appropriate reports at least fifty (50) days before the close of discovery.

² All summary judgment issues shall be presented in the same pleading unless leave of court is first obtained. As required by Local Civil Rule 56, each brief in support of a motion for summary judgment must include a separately captioned section with the brief listing, in number-paragraph form, each material fact that the movant contends is undisputed with appropriate citations to the record. A brief in opposition to a motion for summary judgment must include a separately captioned section within the brief addressing, in numbered-paragraph form corresponding to the movant's section, each of the movant's enumerated facts and indicating whether the non-movant admits or disputes the fact with appropriate citations to the record. The Court may assume that any fact identified by the movant as undisputed in the movant's brief that has not specifically controverted in the non-movant's brief in the manner set forth above is admitted for the purpose of deciding the motion for summary judgment.

If the parties do file dispositive motions, and a final pretrial conference is still necessary, the **FINAL PRETRIAL CONFERENCE** will be held on **Thursday, August 1, 2019 at 4:00 p.m.**

Each party shall be represented at the final pretrial conference by at least one attorney who will try the case.

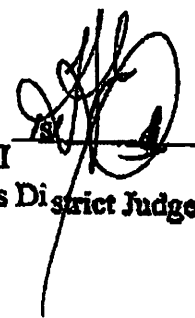
Additionally, at least fourteen (14) days before the final pretrial conference the parties must file: (i) all remaining pretrial motions, including *in limine* and *Daubert* motions;³ (ii) Rule 26(a)(3) disclosures; (iii) a list of the exhibits to be used at trial; (iv) a list of the witnesses to be called at trial; and (v) a written stipulation of uncontested facts. Objections to exhibits must be filed three (3) days before the conference; otherwise the exhibits shall stand admitted in evidence. The original exhibits shall be delivered to the clerk as provided by Local Rule 79(A). Non-expert witnesses and exhibits not so disclosed and listed will not be permitted at trial except for impeachment or rebuttal, and no person may testify whose identity, being subject to disclosure or timely requested in discovery, was not disclosed in time to be deposed or to permit the substance of his knowledge and opinions to be ascertained.

At least seven (7) days before the final pretrial conference, the parties must complete all settlement and/or mediation efforts.⁴

The trial of this case will be set for a day certain, within 2-8 weeks of the final pretrial conference. Proposed *voir dire* questions and jury instructions are due seven (7) days before the start of trial.

PERSONAL IDENTIFIERS MUST BE REDACTED FROM ALL PUBLICLY FILED PLEADINGS AND EXHIBITS IN ACCORDANCE WITH LOCAL RULE 7(C).

Alexandria, Virginia
February 4, 2019


T. S. Ellis, III
United States District Judge

³ An expedited briefing schedule shall apply to *in limine* and *Daubert* motions. Specifically, the non-moving party shall have seven (7) days to respond to *in limine* or *Daubert* motions, and the moving party shall have three (3) business days to file any reply.

⁴ If the parties mutually agree, they may contact the chambers of Magistrate Judge to request a formal settlement conference. The Magistrate Judge will decide whether to grant the parties' request, and if so, when to schedule the settlement conference.